

## REMARKS

Applicants express appreciation to the Examiner for the courtesies extended during the recent telephonic interview held on June 20, 2003. The amendments made by this paper are consistent with the proposals and claim amendments discussed with the Examiner.

Claims 1-14 are pending in the present application, of which claim 1 is an independent method claim, claim 5 is an independent computer program product claim, and claim 8 is an independent system claim. The most recent *Office Action* (March 26, 2003) rejected each of claims 1-14 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,574,440 to Kurtz, et al (*Kurtz*) in view of U.S. Patent No. 5,774,859 to Houser, et al (*Houser*). By this paper, claims 1-14 remain pending, (claims 1, 5, 8, and 11 are currently amended) as reflected above<sup>1</sup>.

As discussed during the interview, the claimed invention is generally directed to methods, systems and computer program products for tuning signals at a central device, rather than relying on (or preferring) the functionality of attached (peripheral), consumer devices. For example, the method recited in amended claim 1 includes an act of using an internal tuner that is located at the central device (rather than the tuner of a peripheral consumer device) to tune to one or more channels of the non-scrambled signal for display on the display device. Claim 1 also includes several other claim elements, that when considered together, distinguish the claim over the art of record, as discussed during the interview, and for at least the reasons provided herein.

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<sup>1</sup> It will be appreciated that the claim amendments have been made to clarify the claimed embodiments and to further distinguish certain claim elements from elements of the cited prior art references. These claim amendments should not be construed as an acquiescence of the purported teachings or prior art status of the cited references. Accordingly, applicant reserves the right to challenge the purported teaching and prior art status of the cited references at any appropriate time, should it arise.

Amended claim 5 is directed to a corresponding computer program product for performing the method recited in independent claim 1, and amended claim 8 is directed to a system having components for performing the method recited in independent claim 1.

In contrast to the pending claims, *Kurtz* is directed to a centralized device that functions primarily as a signal router by routing incoming signals from an input source to either a descrambler (e.g., a cable box) or a tuning device (e.g., a VCR or a TV), or both, as desired by a user. Col 3, ll. 50-61; col. 5, ll. 5-20; col. 5, ll. 42-56. For example, *Kurtz* implements “port to port” and “flip-flop” functionality (opening and closing signal gates) for routing signals from one peripheral device to another so that the respective peripheral device can process, decode, or tune the routed signals. Col. 13, ll. 33-35; col. 14, ll. 60-65; col. 15, ll. 33-34. Conceptually, therefore, the *Kurtz* centralized device is directed to keeping functionality outward with the attached peripheral devices, rather than centralizing as much functionality as possible inward with the central device, in part due to signal quality issues. Col. 2, ll. 65-67; col. 3, ll. 48-49; col. 4, ll. 62-63; col. 5, ll. 12-14; col. 5, ll. 48-50.

Notably, *Kurtz* does not discuss using an internal tuner<sup>2</sup> located at the central device for tuning into descrambled channels, as recited in the claims. This, however, is not surprising considering the explicit intent of *Kurtz* to take advantage of the functionality of the attached peripheral devices. Col. 3, ll. 48-49; col. 4, ll. 62-63. Accordingly, it will be appreciated that *Kurtz*, inherently teaches away from using an internal tuner located at a central device for tuning non-scrambled signals to one or more channels, as recited in method or system of claims 1, 8,

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<sup>2</sup> The only substantive discussion Applicants have found of a tuner is in column 14 of the *Kurtz* reference. In this section, *Kurtz* discusses the use of an inductor 282 or inductor 300 (or “filter”) that serves to “shunt” away stray low frequency signals emanating from an attached tuner, such as a VCR or TV tuner. Col. 14, ll. 13-16; col. 14, ll. 48-52. In other words, the inductor serves to prevent signal degradation by filtering away unwanted signal feedback coming from an attached, peripheral device tuner (VCR/TV), where the feedback may collide with a desired output signal.

and 10 because tuning is performed by the peripheral devices to which the signal is routed. (Col. 2, ll. 20-24; col. 2, ll. 65-67; col. 15, l. 66 – col. 16, l. 3; and fn. 2).

*Houser*, which is also distinguished from the present application, is directed generally to methods and systems for recognizing speech commands at a home entertainment system. Col. 2, ll. 24-26; col. 2, l. 30 – col. 4, l. 25. Although *Houser* discloses an aspect of his invention that can use an electronic program guide (“EPG”) in combination with recognizing speech commands, the *Houser* reference discloses that the EPG is stored at a remotely located scrambler, which is not located at the home entertainment system. Col. 22, ll. 64-66; col. 23, ll. 10-11; Figure 2B (item 130). Accordingly, *Houser* fails to disclose using electronic program guide data stored at a central device, where the stored data determine whether portions of an incoming signal are scrambled or non-scrambled.

Thus, while the above-identified references each disclose methods and systems for tuning signals or for implementing aspects of electronic program guide, they fail to disclose or suggest each of the limitations of the claimed methods and systems of the present application, either singly or in combination, such as determining from electronic programming guide data stored at the central device whether a signal is scrambled or non-scrambled; routing the scrambled signal from the central device to the descrambler if the signal is a scrambled signal; and using an internal tuner that is located at the central device to tune to the signal to one or more channels if the signal is a non-scrambled signal. Accordingly, Applicants respectfully submit that the pending claims (1-14) are now in condition for prompt allowance.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through an additional telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 26 day of June, 2003.

Respectfully submitted,



RICK D. NYDEGGER  
Registration No. 28,651  
Jens C. Jenkins  
Registration No. 44,803  
Attorneys for Applicant



**022913**

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